



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DFW

Applicant: REMBRAND et al.
Serial No.: 10/607,891
Filed: 27 June 2003
Confirmation No.: 7236
Due Date: N/A
Title: HEARING AID

Examiner: Unknown
Group Art Unit: 2643
Docket: 12808.0020US11
Notice of Allow. N/A
Date:

CERTIFICATE UNDER 37 CFR 1.8:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on April 10, 2006.

By: 
Name: Casey Caron

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

23552
PATENT TRADEMARK OFFICE

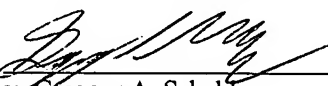
Sir:

We are transmitting herewith the attached:

- ☒ Transmittal Sheet in duplicate containing Certificate of Mailing
- ☒ Other: Communication Regarding Submission of Forms, Form PCT/ISA/210, Form PCT/ISA/237
- ☒ Return postcard

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers or any future reply, if appropriate. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. A duplicate of this sheet is enclosed.

Merchant & Gould P.C.
P.O. Box 2903
Minneapolis, MN 55402-0903
612.332.5300

By: 
Name: Gregory A. Sebald
Reg. No.: 33,280
GAS/cjc



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	REMBRAND et al.	Examiner:	Unknown
Serial No.:	10/607,891	Group Art Unit:	2643
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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on 10 April 2006.

By: 
Name: Casey Caron

COMMUNICATION REGARDING SUBMISSION OF FORMS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sirs:

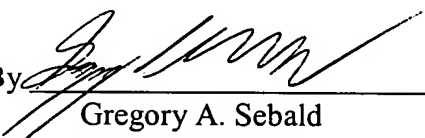
Enclosed please find a copy of the search report and written opinion for the corresponding PCT application for the above identified application. If a telephone conference would be helpful in resolving any issues concerning this communication, please contact Applicants' primary attorney-of record, Gregory A. Sebald (Reg. No. 33,280), at (612) 336-4728.

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 332-5300



Dated: 10 April 2006

By: 
Gregory A. Sebald
Reg. No. 33,280

GAS/cjc

PATENT COOPERATION TREATY

PCT

BEST AVAILABLE COPY

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 002202PC	FOR FURTHER ACTION	see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.
International application No. PCT/IL04/00419	International filing date (<i>day/month/year</i>) 17 May 2004 (17.05.2004)	(Earliest) Priority Date (<i>day/month/year</i>) 20 May 2003 (20.05.2003)
Applicant NEAT IDEAS N. V.		

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 2 sheets.



It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the Report

a. With regard to the language, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.



the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

b. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international search was carried out on the basis of the sequence listing:



contained in the international application in written form.



filed together with the international application in computer readable form.



furnished subsequently to this Authority in written form.



furnished subsequently to this Authority in computer readable form.



the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.



the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

2. ☐ Certain claims were found unsearchable (See Box I).

3. ☐ Unity of invention is lacking (See Box II).

4. With regard to the title,



the text is approved as submitted by the applicant.



the text has been established by this Authority to read as follows:

5. With regard to the abstract,



the text is approved as submitted by the applicant.



the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the drawings to be published with the abstract is Figure No. 4A



as suggested by the applicant.



because the applicant failed to suggest a figure.



because this figure better characterizes the invention.



None of the figures

INTERNATIONAL SEARCH REPORT

International application No.

PCT/IL04/00419

A. CLASSIFICATION OF SUBJECT MATTER

IPC(7) : HO4R 25/00
 US CL : 381/60, 312, 320, 321

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)
 U.S. : 381/312, 320, 321, 60, 326, 328, 380; 600/25, 559; 607/56, 57; 73/585.

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched
 None

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)
 None

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	US 5,664,577 A (LONSBURY-MARTIN et al.) 09 September 1997 (09.09.1997), figures 5 and 7A-7F.	1-36
A	US 6,110,126 A (ZOTH et al.) 29 August 2000 (29.08.1978), figures 3 and 4.	1-57
A	US 6,275,596 B1 (FRETZ et al.) 14 August 2001 (14.08.2001), col. 4, lines 52-66 and col. 7, lines 60-67 through col. 8, lines 1-16.	1-36

☐ Further documents are listed in the continuation of Box C.

☐ See patent family annex.

Special categories of cited documents:	
"A" document defining the general state of the art which is not considered to be of particular relevance	"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
"E" earlier application or patent published on or after the international filing date	"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)	"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
"O" document referring to an oral disclosure, use, exhibition or other means	"&" document member of the same patent family
"P" document published prior to the international filing date but later than the priority date claimed	

Date of the actual completion of the international search

14 October 2004 (14.10.2004)

Name and mailing address of the ISA/US

Mail Stop PCT, Attn: ISA/US
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, Virginia 22313-1450

Facsimile No. (703) 305-3230

Date of mailing of the international search report

101 NOV 2004

Authorized officer

HUYEN LE

Telephone No. (703) 306-5631

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

BEST AVAILABLE COPY

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:
ELIAV KORAKH
BOROCHOV, KORAKH, ELIEZRI & CO.
P.O. BOX 58100
KIRYAT ATIDIM
TEL AVIV, ISRAEL 61580

Date of mailing
(day/month/year) 01 NOV 2004

Applicant's or agent's file reference

FOR FURTHER ACTION

See paragraph 2 below

002202PC

International application No.

International filing date (day/month/year)

Priority date (day/month/year)

PCT/IL04/00419

17 May 2004 (17.05.2004)

20 May 2003 (20.05.2003)

International Patent Classification (IPC) or both national classification and IPC

IPC(7): HO4R 25/00 and US Cl.: 381/60, 312, 320, 321

Applicant

NEAT IDEAS N. V.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☒ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/ US

Mail Stop PCT, Attn: ISA/US
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Facsimile No. (703) 305-3230

Authorized officer

HUYEN LE

Telephone No. (703) 306-5631

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International Application No.

PCT/IL04/00419

Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

☐ a sequence listing

☐ table(s) related to the sequence listing

b. format of material

☐ in written format

☐ in computer readable form

c. time of filing/furnishing

☐ contained in international application as filed.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International Application No.

PCT/IL04/00419

Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application

☒ claims Nos. 58 and 59

because:

☐ the said international application, or the said claim Nos. _____ relate to the following subject matter which does not require an international preliminary examination (*specify*):

☒ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. 58 and 59 are so unclear that no meaningful opinion could be formed (*specify*):

Claims 58-59 are improper multiple dependent claims under PCT Rule 6.4 (a).

☐ the claims, or said claims Nos. _____ are so inadequately supported by the description that no meaningful opinion could be formed.

☐ no international search report has been established for said claims Nos. _____

☐ the nucleotide and/or amino acid sequence listing does not comply with the standard provided for in Annex C of the Administrative Instructions in that:

the written form

☐ has not been furnished

☐ does not comply with the standard

the computer readable form

☐ has not been furnished

☐ does not comply with the standard

☐ the tables related to the nucleotide and/or amino acid sequence listing, if in computer readable form only, do not comply with the technical requirements provided for in Annex C-bis of the Administrative Instructions.

☐ See Supplemental Box for further details.

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International Application No.
PCT/IL04/00419

Box No. V Reasoned statement under Rule 43 bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims <u>1-57</u>	YES
	Claims <u>58-59</u>	NO
Inventive step (IS)	Claims <u>1-57</u>	YES
	Claims <u>58-59</u>	NO
Industrial applicability (IA)	Claims <u>1-59</u>	YES
	Claims <u>NONE</u>	NO

2. Citations and explanations:

Claims 1-36 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest a method and apparatus for enhancing the hearing of sounds that comprises an electroacoustic transducer for producing sounds in the vicinity of an ear, a compensatory signal generator that produces a compensatory signal according to at least a portion of a compensatory waveform, as specifically claimed in claims 1 and 21, wherein the compensatory waveform is determined according to ear otoacoustic emissions (OAE), wherein the compensatory signal is employed to enhance the hearing, and wherein the compensatory signal generator provides the compensatory signal to the electroacoustic transducer.

Claims 37-57 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest a method for enhancing the hearing of sounds that comprises the procedures of producing a compensatory signal for at least selected ones of a plurality of bands, applying modification triggering criteria corresponding to each of the selected predetermined bands, according to at least a respective portion of an ambient sound signal and modifying the ambient sound signals corresponding to each of the selected predetermined bands, according to the compensatory signal when the modification triggering criteria apply, as specifically claimed in claim 37, wherein the compensatory signal has characteristics for enhancing hearing of sounds within the selected predetermined bands.